

Representative Steve Kirby

◆ Creating new primary elections:

Bucking political parties to guarantee voter-choices

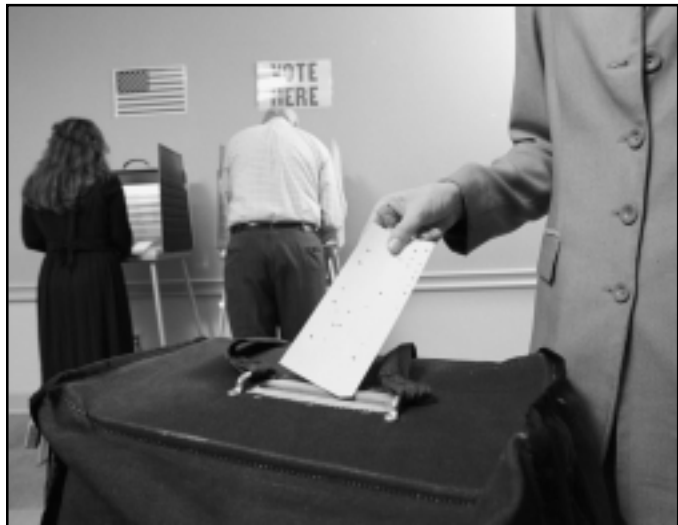
The primary-election argument has been swirling around the capital for years. And when the House finally got a chance to vote on a new system, I voted against the wishes of all the major parties.

As you probably know, federal courts (responding to major-party challenges) have tossed our blanket primary out the window.

The new primary that I supported (which did finally pass this year) calls for the top two primary candidates to go to the general election.

I backed this “Top Two” plan from the start, despite heavy pressure from my own Democratic Party “leaders.” (Republicans got exactly the same pressure from their party honchos — for exactly the same reason: The parties want to control the primary-nominating process.)

This new system is similar to the old blanket primary in that voters can “vote for the person” — regardless of party affiliation.



However, an amendment called for another primary system if the “Top Two” is tossed.

I voted against the amendment because I feared the governor might buckle to party bosses and veto the original legislation.

Turns out I was right. That's exactly what he did. I don't think the veto will hold up in court — and I'm positive that it won't hold up in the court of public opinion.



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Representative Steve Kirby 29th District

The 2004 Legislature

Spring 2004

Dear Neighbor:

Well, it's safe to come out of your homes, and you can stop guarding your wallets. ... The Legislature is no longer in session! We finished this year's 60-day meeting ON TIME, to boot.

We had a lot to do when we arrived in Olympia in January. Making the best of a bad economy, improving our schools, addressing the health-care crisis, and creating a new primary election — these were “bottom-line” themes I carried in the 2004 session.

We had our hits and misses at the capital, that's for sure. Some issues reflected good public policy — and others regurgitated partisan politics as usual. I'm pleased with several job-creating bills, for example. But I'm discouraged at the lack of a genuine effort from some of my colleagues to address patient-safety and medical-malpractice.

Please don't hesitate to get in touch with me. I want to know what you think about these legislative matters — or about any other state-government topics that come to mind.

Sincerely,

Steve Kirby

State Representative
29th Legislative District

Representative Steve Kirby
The 2004 Legislature

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Representative Steve Kirby ♦ The 2004 Legislature

♦ The truth about medical malpractice and tort reform:

Plain old partisan politics killed meaningful bills aimed at patient safety and affordable insurance

Have you seen the half-hour TV ads asserting that clinics and emergency rooms in our state are closing like crazy because of high malpractice-jury awards? The ads say that doctors are fleeing Washington in droves! Pretty scary stuff. Good thing it's not true! In fact, no emergency room has closed in our state — and Washington is actually home to more physicians today than 10 years ago.

Fact is, skyrocketing premiums for medical malpractice and other policies aren't caused by increases in lawsuits and jury verdicts. They're caused by insurance-company Greed. Yes, Greed — with a capital "G."

This is not political spin, either. It's a documented reality. Independent industry-analysts say the premium-price-gouging is starting to pay off — and pay off big-time. Weiss Ratings Inc., an independent industry-ratings company, recently reported that property and casualty insurers announced a 66 percent increase in cash flow! The huge boost was attributed to a \$20 billion jump in net premiums.

But apparently that's not enough money to make the insurance barons happy. This year, they assembled a collection of corporate special-interest groups — otherwise known as the "Liability Reform Coalition." Under their proposal, a new class of special protections would be created just for them. If the Legislature had approved this monstrosity, the power of big corporations under the law would be worth more than the power of you — the average citizen — if you ever have to face them in court.

They want to put a cap on the amount of money we can receive if we're injured as a result of their company's negligence and a jury finds them liable. Funny thing, though: When I asked coalition-representatives at a public hearing if they'd lower, or even stop hiking malpractice premiums if we gave them what they want, they said, "No." So why would we do that?

I believe that rigging the jury system for wealthy companies, negligent government agencies, and negligent health-care professionals is wrong. It doesn't do anything except pad the pockets of the people who need it least.

It's interesting to consider the runaway-jury-award argument when you actually try to find some jury awards. I checked, and Pierce County has had two jury verdicts in favor of injured patients in the past

seven years. I can't believe these two awards are responsible for increasing insurance-premiums for doctors.

♦ How about full disclosure?

The House passed a bill calling on insurance companies to disclose their lawsuit-experience.

But the insurance companies fought the bill, and the Republican-controlled Senate killed it. Insurance companies say they don't keep that kind of information. But how can you get sued for a million bucks and not keep a record of it somewhere? I think they don't want this information disclosed because it will

prove they're raising rates strictly for profit. I'm not sure why the doctors opposed our bill. After all, you'd think they'd want to know the truth.

I think we can agree that the best way to avoid medical-malpractice litigation is to prevent medical errors that lead to malpractice in the first place. Although the House passed several bills addressing malpractice, all these measures also died in the Senate.

Legislators were told before session that if we don't bow down to the corporate masters, they'll beat us over the head with their moneybags come election time.

It's an interesting political strategy: "You better strip power from ordinary citizens — or our insurance cartel, drug-company barons, and all-too-many politically pliable doctors will squish you like a slug on a South Tacoma sidewalk!"

While an average citizen struggles to pay rent, a few wealthy doctors and corporate executives worry about their next yacht payment.

I don't know about you, but I get fired up when overpaid corporate lobbyists start threatening me. In politics, sometimes you're the bug on the windshield and sometimes you're the windshield. I'm not sure what I'll be after this year's session — but I'd rather

be a rock than a bug. I intend to protect the rights of citizens.

This year, the House passed more than a dozen bills to release the insurance industry's chokehold on our health-care system — and actually reduce the cost of litigation.

We stood up to threats from well-heeled doctors, corporations and the insurance lobby.

But most of our bills died in the Republican-controlled Senate. (They even killed House legislation to legalize the purchase of prescription drugs from Canada — where medicine is much less expensive.)

The bottom line: Our jury system is the only structure that ensures that all of us, regardless of income or class status, can hold entities that are more powerful than ourselves accountable for the harm they cause our families.

We can take steps to help reduce costs of litigation without tipping the scales of justice to favor big corporations.

At the very least, we must insist that the insurance industry justify its rate hikes to the public.

Wish me luck. That windshield is dead-ahead.



"I believe that rigging the jury system for wealthy companies ... doesn't do anything but pad the pockets of the people who need it least."